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Security Council

Seventy-second year

Provisional

7934th meeting
Monday, 8 May 2017, 3 p.m.
New York

President:	Mr. Rosselli	(Uruguay)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Zhang Dianbin
	Egypt	Mr. Aboulatta
	Ethiopia	Ms. Guadey
	France	Ms. Gasri
	Italy	Mr. Cardi
	Japan	Mr. Akahori
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Seck
	Sweden	Mr. Skoog
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Mr. Townley

Agenda

The situation in Libya

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The meeting was called to order at 3.05 p.m.

Expression of thanks to the outgoing President

The President (*spoke in Spanish*): As this is the first public meeting of the Council for the month of May, I should like to take this opportunity to pay tribute, on behalf, of the Council, to her Excellency Ambassador Nikki Haley, Permanent Representative of the United States, for her service as President of the Council for the month of April. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Haley and her delegation for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: I welcome this opportunity to engage with the Security Council on the occasion of my Office's thirteenth report on the situation in Libya, pursuant to resolution 1970 (2011).

At the outset, allow me to observe with profound regret that the overall security situation in Libya has deteriorated significantly since my last briefing to the Council last November (see S/PV.7806). Reports indicate that the country is at risk of returning to widespread conflict. Such an outcome would not bode well for the rule of law in Libya and would surely aggravate a climate of impunity, which could in turn lead to widespread human rights abuses and violations of international humanitarian law. As is often the case, it is ordinary civilians — innocent men, women and children — who bear the brunt of the suffering caused by a state of insecurity.

It is in that context that the International Criminal Court (ICC) now, more than ever, has an important role to play in Libya. I am convinced that timely and concrete action can make a tangible difference to Libyan lives. With that in mind, and cognizant of my responsibility to pursue the important mandate conferred upon my Office by the Council, I remain committed to prioritizing the Libya situation in 2017.

Since I last reported to the Council, steady progress has been made in my Office's investigations. That progress has been achieved notwithstanding the prevailing security situation in Libya, which continues to prevent my investigators from carrying out their work on the ground. Undeterred and driven by a firm commitment to fulfil our mandate vis-à-vis Libya, my Office continues to employ innovative methods to collect evidence from outside of the country through secure channels. Such efforts are made possible largely by the cooperation of States and the ongoing assistance of the Libyan Prosecutor-General's Office. My Office will continue to explore options for its investigators to resume activities in Libyan territory in a safe and secure environment.

As the Council is aware, an existing warrant of arrest, issued under seal by the Court against Mr. Al-Tuhamy Mohamed Khaled, has recently been made public. Mr. Al-Tuhamy is the former head of the Libyan Internal Security Agency, under Muammar Al-Qadhafi. My Office has alleged that the suspect is responsible for the crimes against humanity of imprisonment, persecution, torture and other inhumane acts, and the war crimes of torture, cruel treatment and outrages upon personal dignity. These crimes were allegedly committed by Mr. Al-Tuhamy as part of Mr. Muammar Al-Qadhafi's response to the events of 2011.

In issuing the warrant, the Pre-Trial Chamber of the Court found reasonable grounds to believe that the Internal Security Agency led by Mr. Al-Tuhamy, along with other Libyan military, intelligence and security agencies, arrested and detained persons perceived to be opponents of Mr. Al-Qadhafi and his rule. These persons were allegedly subjected to various forms of mistreatment, including severe beatings, electrocution, acts of sexual violence and rape, solitary confinement, deprivation of food and water, inhumane conditions of

detention, mock executions, and threats of killing and rape in various locations throughout Libya.

At this juncture, the unsealing of the warrant of arrest against Mr. Al-Tuhamy would enhance the chances of its execution and would equally send an important message to would-be perpetrators that the Court remains seized of the situation in Libya and continues to be active in carrying out its judicial work. Furthermore, my Office has recently become aware of reports that Mr. Al-Tuhamy is currently residing in Libya. The victims of Mr. Al-Tuhamy's alleged crimes deserve justice and yearn to see justice done. State cooperation with the International Criminal Court and the Council is crucial to ensuring that justice for these victims can be realized. I therefore urge Libya, first and foremost, as well as all States — by they States parties or non-State parties — to take immediate action to verify Mr. Al-Tuhamy's whereabouts and to take all possible steps to facilitate his arrest and surrender to the Court.

I equally hope to count on the tangible assistance and cooperation of this body for the expeditious execution of the warrant of arrest and for the timely arrest and surrender of Mr. Al-Tuhamy to the Court. What message does it send to the victims and the perpetrators — indeed, what is the deterrent impact — if ICC warrants of arrest are issued but not enforced and the capture of suspects remains elusive? We all have our respective roles to play and we must deliver on our joint commitment to ending impunity for Rome Statute crimes in Libya.

In my last statement here (see S/PV.7806), I briefed the Council on my Office's application to the Court's Pre-Trial Chamber for an order directing the Registry to transmit the request for the arrest and surrender of Mr. Saif Al-Islam Al-Qadhafi to Mr. Al-'Ajami Al-'Atiri, Commander of the Zintan militia, which had custody of the suspect at that time. My Office has since received reliable information that Mr. Al-Qadhafi is no longer under the control of Mr. Al-'Atiri but rather under the control of the Zintan Revolutionaries' Military Council. I renew my call on the Government of National Accord to take the necessary steps to transfer Mr. Al-Qadhafi into its custody so that Libya can surrender him to the Court in accordance with its international legal obligations, the judicial rulings of the Court, and the repeated calls of members of the Security Council.

With respect to the case of Abdullah Al-Senussi, as the Council will recall, in July 2015 the Tripoli Court of Assize issued its judgment in the trial of Mr. Al-Senussi, Mr. Al-Qadhafi and 35 other former members allied with Mr. Muammar Al-Qadhafi in relation to crimes allegedly committed during the events of 2011. Mr. Al-Qadhafi was tried in absentia. Both Mr. Al-Qadhafi and Mr. Al-Senussi were convicted. The case of Mr. Al-Senussi is currently on appeal before the Libyan Supreme Court.

On 21 February, the United Nations Support Mission in Libya (UNSMIL), in cooperation with the Office of the United Nations High Commissioner for Human Rights, issued its full report on the conduct of this trial. The report acknowledges the challenges inherent in prosecuting a complex case against former officials in the context of an ongoing armed conflict and political polarization. However, it concludes that the trial fell short of international fair trial standards.

It is important to recall that the Appeals Chamber of the International Criminal Court has held that due process violations in a domestic trial must be so egregious that the proceedings can no longer be regarded as being capable of providing any genuine form of justice to the accused in order for the case to be deemed admissible before it. My Office has thoroughly reviewed the report and is considering it, along with the full Libyan trial judgment, within the framework of articles 19 (10) and 17 (2)(c) of the Rome Statute to determine whether new facts have arisen that negate the basis on which the Pre-Trial Chamber found Mr. Al-Senussi's case inadmissible before the Court.

It is undoubtedly disconcerting to the Council that the ongoing political instability and volatile security situation in Libya have reportedly led to the widespread commission of serious crimes. Reports of the continued killings of civilians, abductions, detentions, torture and sexual violence in Libya should be of great concern to all of us. My Office continues to receive and examine information from a variety of sources, including non-goverrunental organizations and private individuals, with respect to crimes alleged to have occurred throughout Libya since 2011. I welcome the submission of reliable information by concerned groups or individuals regarding crimes that may fall within the Court's jurisdiction. In particular, my Office continues to collect and analyse information relating to serious and widespread crimes allegedly committed against migrants attempting to transit through Libya.

My Office is collaborating and sharing information with a network of national and international agencies on this issue.

I am deeply alarmed by reports that thousands of vulnerable migrants, including women and children, are being held in detention centres across Libya in often inhumane conditions. Crimes, including killings, rapes and torture, are alleged to be commonplace. I am similarly dismayed by credible accounts that Libya has become a marketplace for the trafficking of human beings. The Council has itself expressed concern that the situation in Libya is exacerbated by the smuggling of migrants and human trafficking into, through and from Libya. These activities could further provide fertile ground for organized crime and terrorist networks in Libya.

The situation is both dire and unacceptable, demanding a concerted response on the part of the relevant actors to address these serious trends of criminality. I take this opportunity before the Council to declare that my Office is carefully examining the feasibility of opening an investigation into migrant-related crimes in Libya should the Court's jurisdictional requirements be met. We must act to curb these worrying trends.

Additionally, my Office has been closely following events in Ganfouda, in Benghazi, where civilians have reportedly been heavily impacted by protracted fighting between the Libyan National Army and the Benghazi Revolutionaries Shura Council. Reports indicate that on or around 18 March, forces of the Libyan National Army took over Ganfouda. Following this takeover, disturbing video footage emerged that appears to show Libyan National Army forces committing serious crimes, including summary executions of detainees. I would like to draw the attention of all the parties to the conflict to the provisions of the Rome Statute relating to the responsibility of commanders and other superiors to prevent or repress the commission of crimes by their forces and to submit any such crimes for investigation and prosecution. My Office remains seized of the Libyan situation and continues to monitor events as they unfold in Benghazi and across the country.

I would be remiss if I did not acknowledge the excellent cooperation that my Office receives from a network of States, organizations and entities. First and foremost, I must again express my utmost gratitude to the Libyan Prosecutor-General's office, which continued to provide invaluable assistance during the reporting period. I am also grateful to the individuals and groups within the Libyan community working tirelessly to promote and support the work of the International Criminal Court, in the interests of the victims and in the hope of building the future of Libya on the pillars of justice and accountability.

I also note the extension of the mandate of the United Nations Support Mission in Libya (UNSMIL) and look forward to our continuing fruitful collaboration. I would like to take this opportunity to publicly acknowledge and commend the tireless efforts of Mr. Martin Kobler, Special Representative of the Secretary-General, and his team at UNSMIL, and to thank them for their continued support. I would also like to express my deep appreciation for the vital support that my Office receives from several other States and organizations, including the Netherlands, the United Kingdom, Tunisia, Italy, the European Union and the European Union Naval Force. There are a few States that have not responded promptly to requests for cooperation, and I respectfully urge them to do so.

With the Council's indulgence, I would like to stress one final point, which is the important issue of the challenges that my Office continues to face where resources are concerned. In that regard, I welcome the initiative taken by the Chair of the Committee established pursuant to resolution 1970 (2011), concerning Libya, to issue a note verbale in November 2016, bringing to the attention of all States the need to ensure adequate funding to support ICC investigations. Without adequate resources, the Court's crucial work is hampered and its ability to affect the current climate of impunity in Libya is diminished. I once again respectfully urge the Council to promote the work of the International Criminal Court in Libya by supporting the United Nations efforts aimed at providing it with financial assistance.

The Libyan people continue to strive for solutions that can pave the way for sustainable peace, security and prosperity in Libya. Justice and accountability are indispensable in that equation, without which we run the risk of the cycle of violence continuing, further entrenching divisions within Libyan society and ultimately making national reconciliation more difficult to achieve. I am heartened by reports of some recent positive developments in the political dialogue.

In conclusion, I would like to say to those victims and victim-groups advocating for a more prominent role for the International Criminal Court in Libya that I am listening. To those who have expressed their fears and disappointments to my Office — as well as their hopes and aspirations for the future of a Libya grounded on the pillars of justice where gross human rights violations are distant memories — I say that their calls for action are not falling on deaf ears. The Libyan people have endured too much and have suffered for too long. They deserve that deeper sense of safety and security that society provides when it is fully immersed in the protective embrace of the law. And while I am under no illusions that the International Criminal Court is a panacea — for it surely is not — I, along with my team, am committed to playing our part.

I thank the Council and all those who are following this meeting from inside and outside this Chamber for their attention.

The President (*spoke in Spanish*): I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to the members of the Security Council who wish to make statements.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): I would first like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today on the thirteenth report of the Prosecutor of the ICC to the Security Council in accordance with resolution 1970 (2011).

Egypt welcomes the Court's efforts to ensure Saif Al-Islam Al-Qadhafi's return to the Court. The Court is obliged to deal with Libya through the Libyan authorities directly concerned, not through individuals or entities who do not represent the Libyan State. In that regard, therefore, we agree that all the necessary assistance should be given to the Government of Libya in order to ensure that it can meet its commitments to the ICC. With regard to Abdullah Al-Senussi, we are waiting for the study by the Office of the Prosecutor of the ICC regarding the report drafted by the United Nations Support Mission in Libya in cooperation with the Office of the United Nations High Commissioner for Human Rights on the trial in Libya, in order to determine whether there are new facts in the case that could put in question the evidence on which the Pre-Trial Chamber based its decision that the Al-Senussi case was inadmissible before the Court.

While we understand that the security situation in Libya presents challenges that hinder the Court's conduct of investigations and he tcollection of evidence on Libyan territory, we are pleased with the cooperation that the Office of the Prosecutor of the ICC has had from the office of Libya's Prosecutor-General.

With regard to information received by Libya's Prosecutor-General and the relevant Libyan authorities, Egypt affirms that the Office of the Prosecutor of the ICC should ensure that it comes from reliable sources and that investigations do not focus only on crimes alleged to have been committed by a particular party or faction. The Court should investigate all crimes in Libya that come under its mandate, including those committed by terrorist organizations with the support of various States that supply them with money and weapons to enable them to commit such crimes. We believe that the international community should help Libya to ensure that it can develop a comprehensive strategy for dealing with atrocities committed there and to provide the Libyan authorities with help in meeting their commitments to ensuring justice for the victims and accountability for terrorists. That also includes providing the Libyan Government with weapons and implementing the relevant Security Council resolutions, particularly resolution 2214 (2015).

Lastly, we commend the efforts of Ms. Bensouda and her Office to ensure justice and fight impunity, and we intend to continue to cooperate with her in that regard.

Mr. Skoog (Sweden): Can I start by congratulating you, Sir, on your assumption of the presidency of the Council. We feel that we are in very safe and steady hands and look forward to supporting you in any way possible. I would also ask the representative of the United States to please convey our appreciation for the effective way in which Nikki Haley and her team conducted business in April.

I should like to begin by thanking Prosecutor Fatou Bensouda for her briefing and extending our appreciation to the Office of the Prosecutor for its commendable and tireless efforts.

Since the onset of the conflict in Libya, the civilian population has borne the brunt of the violence, as the Prosecutor rightly said. They continue to pay a bitter price for the military escalation and security vacuum in the country. The breakdown of the rule of law has resulted in widespread human rights violations and

abuses and breaches of international humanitarian law by all parties to the conflict, including against children. Those responsible must, of course, be held to account. For this reason, the work of the Office of the Prosecutor is essential, and I should like to make three brief points in this regard.

First, the Office should be equipped to do the work that is needed. Its call for adequate resources and for the full backing of the Security Council and Member States must be heeded. Let us not forget that the Council decided to refer the Libya situation to the International Criminal Court (ICC). We must enable the Office of the Prosecutor and the Court to carry out its mission.

Secondly, Sweden commends the efforts of the Office for its work on ongoing cases, despite the security situation making it impossible for the Office to carry out investigations in situ. In this context, it is encouraging to hear of the substantial support and cooperation being extended to the Office by the Libyan Prosecutor-General's Office.

We take note of recent developments in a number of cases. These include the Pre-Trial Chamber's decision that the request for Mr. Al-Qadhafi's arrest should be directed to the de jure Government. We appeal to the Libyan authorities to facilitate the surrender and transfer of Mr. Al-Qadhafi to the Court.

Regarding the case against Mr. Al-Senussi, we would welcome the Prosecutor's assessment on the findings in the report of the United Nations Support Mission in Libya and her views on next steps, if any, for the Office in relation to this file.

In relation to the case against Mr. Al-Tuhamy, we note the recent decision to lift the seal on the arrest warrant and the reclassification of the warrant as public. We hope that this will facilitate his speedy arrest and transfer to the Court.

Thirdly, Sweden supports the intention of the Office of the Prosecutor to continue to monitor human rights violations and abuses and violations of international humanitarian law in Libya. This includes incidents such as those that took place in the Ganfouda neighbourhood of Benghazi in March, including allegations of executions of detainees, other killings and desecration of corpses. The repeated targeting of medical facilities continues to be of grave concern.

We are also alarmed by reports of arbitrary detentions, torture and of women facing sexual and gender-based violence in migrant detention centres, as well as in regular detention centres. We urge all parties to provide for greater international access. Sweden would also like to encourage the Office of the Prosecutor to apply an integrated gender perspective in its fourteenth report, including through the use of gender-disaggregated data when possible.

We welcome the proposal of the Office of the Prosecutor to assess whether crimes against refugees and migrants fall within the jurisdiction of the Court. We also welcome its initiative to explore possibilities to investigate crimes related to networks engaged in the trafficking of persons and the smuggling of migrants.

The situation in Libya remains one of concern. Every effort must be made to find a political solution that sets Libya on a path towards peace and reconciliation. We are encouraged by signs of an increased willingness by parties to engage in dialogue. All those who can influence the situation must now engage constructively to move the political process forward.

The United Nations has a key role to play and should now urgently pursue a reinvigorated broad and long-term approach to the country. Therefore we welcome the continued commitment of the Secretary-General to addressing the situation in Libya.

The work of the Office of the Prosecutor and the ICC will continue to be important and can make an important contribution to post-conflict reconciliation. Therefore, in conclusion, let me convey the full support of my Government to Ms. Bensouda as she continues her very important work.

Mr. Cardi (Italy): Let me at the outset say that we very much look forward to cooperating with you, Sir, and your delegation, of course, during your presidency this month. We already had the occasion to do so in Colombia, which was a very, very successful undertaking.

I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing to the Security Council.

As Vice-President of the Assembly of States Parties to the Rome Statute of the ICC, I am particularly conscious of her delicate task. Under her guidance, the Office of the Prosecutor has made progress in many different areas, and I would like to extend to her our appreciation and our full support.

The situation in Libya was unanimously referred to the Court by the Council through resolution 1970 (2011). We believe that the activities of the ICC can bring positive developments, particularly if the Council remains united and committed to supporting Libya, its institutions and its people and helps to ensure that justice is done in a fair and impartial manner.

We therefore appreciate and join in the encouragement to the international community to continue assisting the Libyan authorities to promote justice and accountability. It is essential that justice be part of the equation for stability and the consolidation of institutions in the country. In this regard, the cooperation extended by many countries to the Court, including in the region, is a very positive sign.

However, we note with concern the financial constraints mentioned by the Prosecutor and stand ready to encourage voluntary contributions and any appropriate discussions to consider the requirements for justice to be rendered in this context.

I am grateful for the updated information provided by the Prosecutor in her report and briefing. On the case concerning Saif Al-Islam Al-Qadhafi, we note with concern that the request for transfer to the Court is still pending, and we encourage compliance with the Court's request.

On the case regarding Al-Senussi, we note that appeal proceedings are still ongoing at the domestic level and that the Court is continuing to closely monitor the case.

As far as the recently disclosed case that Ms. Bensouda has mentioned is concerned, we take note of the information contained in the report and of the request for the arrest and surrender of the fugitive. Italy supports the request for information made by the Prosecutor to all States.

We also would like to thank Ms. Bensouda for the information about the investigation into allegations of torture in Al-Hadba prison. We note that there has been some progress since the last report, in November 2016, and we encourage the Office to continue to monitor domestic proceedings to ensure that existing international obligations regarding respect for the human rights of detainees, including the relevant Security Council resolutions, are upheld.

I would like also to touch briefly on two other specific aspects mentioned in the report. First, it is important that dialogue between the Court and national authorities continue, as well as their cooperation. Secondly, with respect to human trafficking, my delegation has consistently highlighted the comprehensive approach that Italy is taking address this scourge by tackling its root causes, dismantling the business model of traffickers and saving lives at sea. The activities of the networks of traffickers identified by the Prosecutor in her report require urgent attention. Not only must trafficking be stopped, but traffickers must also be brought to justice and punished. The slavers of the twenty-first century, as then Foreign Minister Gentiloni put it in November 2015, must be brought to justice, including at the international level where appropriate. We are supportive of all efforts in that vein and stand ready to cooperate with the Court.

We deplore the fact that the instability in Libya has been hampering Court efforts to carry out its investigations in the field. However, we are confident that improvement can create conditions conducive to allowing the Prosecutor to visit Libyan territory. In that respect, let me stress once again the main message of the Italian Minister for Foreign Minister, Mr. Alfano, during his visit to Tripoli two days ago: there is a need for a sustainable political solution to the crisis in Libya, one based on the Libyan Political Agreement. That is the sole framework in which solutions to the most pressing issues can be found, and the Presidency Council and the Government of National Accord, headed by Prime Minister Serraj, are the sole legitimate executive authorities of Libya, in line with resolution 2259 (2015).

In conclusion, I would add that the Council could adopt a more structured approach in dealing with international criminal justice issues, and with the ICC in particular. In that regard, we favour a broader discussion on the role that international criminal justice can play in the activities of the Council — for instance, by reinforcing the role of the Informal Working Group on International Tribunals. The Council needs to engage in a strategic reflection on the role of justice, including the International Criminal Court, in the prevention, restoration and maintenance of international peace.

Mr. Llorentty Solíz (Bolivia) (*spoke in Spanish*): At the outset, allow me, Mr. President, to join others in congratulating you and your delegation on assuming the presidency of the Security Council. You can of course count on our full support in what will certainly be a successful effort.

We are grateful for the briefing by the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda. She has our full support in the work entrusted to her. We acknowledge that the work carried out by the Court since 2011 is very sensitive and requires the cooperation of all stakeholders in Libya in order to be able to fulfil its mandate. That is all the more so when it is the Court's Prosecutor herself who has warned us of the possibility that the crisis in the country may worsen. In that regard, we call on the Government of National Accord and the parties involved to do their utmost and facilitate the use of the appropriate channels of communication so that the Office of the Prosecutor can move forward with investigations. Similarly, we urge the countries in the region to fully support, and collaborate with, the work of the bodies of the International Criminal Court. We do hope that when the next report is submitted we will see qualitative improvements in terms of the cases under investigation.

We take note of the reports that were submitted by the Office of the Prosecutor on possible violations of human rights and international law during the capture of the district of Ganfouda in Benghazi in March. We are deeply concerned about the reports of extrajudicial killings, assassinations, arbitrary detention, arbitrary trials and desecration of corpses in the course of the progress achieved as a result of the political transition and an internationally recognized Government. We urgently and categorically appeal to all parties and armed actors to stop all acts of violence, and we urge them to meet their obligations under international law. Likewise, we call for an investigation into those events and the identification of those responsible so that they may be brought to justice.

Likewise, we are very concerned that the situation of migrants has seriously worsened. According to the 28 April report of the International Organization for Migration, there are more than 381,463 migrants of more than 30 nationalities in Libya. Many of those migrants are passing through Libya to reach Europe in attempts to escape the insecurity afflicting the region. Many of them are becoming victims of abuse, torture and acts of sexual violence, in flagrant violation of their fundamental rights. According to the report submitted during the thirty-fourth session of the Human Rights Council on 22 March by the Deputy High Commissioner for Human Rights, Ms. Kate Gilmore, migrants continue to be held arbitrarily in Libya for indefinite periods without any due process, legal assistance or review. Often, they face inhumane conditions and horrendous abuse. Frequently, that is at the hands of armed groups that have either direct or indirect control over detention centres, including official holding centres. That means that there is not really any effective protection against abuse.

We call upon the Office of the Prosecutor to investigate those criminal acts and, as highlighed by her report, whether or not there is a slave market in migrants in Libya, and whether or not that is related to transnational organized crime groups that directly or indirectly finance such activity — as well as to ensure, that being the case, that those persons are brought to justice and account for their actions. For its part, the Security Council should take the necessary steps to ensure that the Office of the Prosecutor and the International Criminal Court itself have the necessary financial resources to deal with the cases referred to it.

Finally, we would like to recall that, unfortunatley, the tragic situation being experienced by Libya is a direct consequence of regime-change policies, which result in disastrous circumstances for millions of innocent people. We call upon on all States that have not yet done so to ratify the Rome Statute in order to ensure its universality and put an end to impunity for these acts of violence, which are a threat to the welfare of humankind.

Ms. Gasri (France) (*spoke in French*): On behalf of my delegation, I congratulate you, Mr. President, on your assumption of the presidency of the Security Council.

I thank the Prosecutor of the International Criminal Court, Ms. Bensouda, for the presentation of her thirteenth report. I wish to take this opportunity to affirm the full support of France for the Prosecutor and her team, for the International Criminal Court as a whole and for the full implementation of resolution 1970 (2011).

From the various reports by Ms. Bensouda, we have taken note of the prevailing insecurity and instability, which have made it increasingly difficult for her to continue her investigations. We welcome the support of the Prosecutor-General of Libya, which makes it possible to find innovative solutions and to continue investigations remotely when the necessary conditions for on-site visits are not always in place. France supports efforts to facilitate the gathering of evidence and the compilation of testimonies through secure channels.

Much remains to be done to end impunity in Libya. That is why France believes that it has never been more essential that the Security Council lend it support to the Court, as well as to the efforts of the United Nations and the United Nations Support Mission in Libya, to reach a political compromise in Libya. In that regard, we welcome the Secretary-General's personal efforts. We also extend our full support to Prime Minister Faiez Mustafa Serraj and the Presidency Council to make institutions more efficient and fully representative.

In addition to those general comments, we wish to make three specific remarks.

First, France recalls that the continuation of the investigations by the Office of the Prosecutor requires the full cooperation of all stakeholders. In order to be effective, that cooperation must be carried out in an integrated way, while giving full weight to the principle of complementarity. In particular, close cooperation with Libyan authorities is essential to carry out investigations in complete security, in accordance with the mandate given to the Court by the Security Council. In that regard, I would like to recall the November 2013 memorandum of understanding on the sharing of responsibilities with the Libyan authorities, which provides a relevant framework.

Furthermore, France believes it is essential to strengthen cooperation with all States, whether or not they are parties to the Rome Statute, in accordance with resolution 1970 (2011), to ensure that requests made by the Office of the Prosecutor can be answered in the most efficient and timely manner possible. This cooperation is all the more important in the context of highly complex and transnational investigations, which require a coordinated strategy. In this regard, we welcome the cooperation of the Tunisian, Dutch, British and Italian authorities, which was noted by the Prosecutor in her statement.

Our second remark relates to the elements in the report related to the ongoing investigations. France believes it is essential that Mr. Saif Al-Islam Al-Qadhafi be surrendered to the Court, in accordance with the judges' request. France calls on Libya to do everything possible to honour this obligation and put an end to the situation of non-compliance in which it finds itself. We take note of the decision of the Pre-Trial Chamber I, in which the Chamber found that the Court was under an obligation to comply with requests for cooperation with respect to the only recognized Government and not with respect to unrecognized entities, such as representatives of the Libyan State. We therefore call upon all entities concerned to allow the Government of National Accord to respond without delay to the Court's requests.

With regard to the Abdullah Al-Senussi case, France takes note of the assessment by the Prosecutor in the report on the United Nations Support Mission in Libya issued in cooperation with the Office of the High Commissioner for Human Rights. France is pleased that the Prosecutor is closely following this procedure to determine if new elements are likely to challenge, once again, the decision of the Pre-Trial Chamber I to declare the case inadmissible before the International Criminal Court. With regard to the case of Al-Tuhamy Mohamed Khaled, we take note of the Prosecutor's decision to release the 2013 arrest warrant and call on Libya and all States to cooperate in order to bring the individual concerned before the Court without delay.

Thirdly, France wishes to revisit the views outlined in the report of the Office of the Prosecutor. We note the Office's desire to continue to prioritize Libya in 2017 and to significantly expand its investigations into crimes committed since 2011. We note the Office's desire to investigate crimes allegedly committed by Da'esh, Ansar Al-Sharia and other terrorist groups, but also atrocities perpetrated throughout the country, namely, in Benghazi, and other crimes related to trafficking in persons and the smuggling of migrants and refugees.

In conclusion, what we see in Libya shows us how the absence of justice fuels violence and makes reconciliation more difficult. That is why the Security Council unanimously referred the situation in Libya to the International Criminal Court, as was recalled earlier. We must provide the Court with the resources necessary to achieve its mission. France, which cooperates unreservedly with the Court, believes that this is only possible with the support of the Security Council, including in cases of non-cooperation.

Mr. Seck (Senegal) (*spoke in French*): The Senegalese delegation would like to offer you, Mr. President, and your entire team its heartfelt congratulations as you assume the presidency of the Council. We wish you, Sir, every success. As we did in January 2016 during your first presidency of the Council, my delegation assures you, Sir, of its full support and cooperation. I would also like to extend my

warm congratulations to my colleague Nikki Haley and the whole team of the United States delegation for the outstanding and very productive manner in which she steered the Council's work last month.

I thank the Prosecutor for her report and for the detailed briefing she gave this afternoon, which sheds harsh light on the very tenuous situation in Libya. I also take this opportunity to congratulate her and her team, once again, for their tireless efforts to bring justice to the victims of international crimes. As a State party to the Rome Statute of the International Criminal Court, Senegal strongly supports the Court's mandate, which consists in combatting impunity throughout the world, including in Libya.

In this regard, we welcome the cooperation provided thus far to the Court by the Office of the Prosecutor-General of Libya in the course of the ongoing investigation in the country and we encourage it to continue in this direction. We would also like to urge the international community in general and the Security Council in particular to continue to assist the Prosecutor as she continues to carefully investigate these allegations and to bring those responsible to justice. For their part, those actually in power in Libya must fulfil the obligation imposed by resolution 1970 (2011) to cooperate with the Court and to promptly bring to justice any individual who has been indicted.

In listening to the Prosecutor's report, what is clear is that the security situation remains very unstable owing to fighting between different groups, but also terrorist threats. This situation hampers the ability of the Office of the Prosecutor to conduct the investigations necessary in Libya. However, the Office continues to make considerable efforts in order to execute the arrest warrants issued in the case of Mr. Saif Al-Islam Al-Qadhafi. The Prosecutor has therefore reiterated her appeal to the Government of National Accord for the surrender of Mr. Saif Al-Islam Al-Qadhafi to the Court, following the Pre-Trial Chamber's dismissal of her request of 26 April 2016, with a view to obtaining authorization to transmit the warrant issued against Mr. Al-Qadhafi to Mr. Al-'Ajami Al-'Atiri, Commander of the Abu-Bakr Al-Siddiq Battalion in Zinan, Libya. Thi s would hold true even if, according to certain recent information, Mr. Al-Qadhafi is no longer being detained by Al-'Atiri, but is under the control of the Zintan Military Revolutionary Council.

Furthermore, in the case of Al-Tuhamy Mohamed Khaled, the Office of the Prosecutor requested the unsealing of the arrest warrants of 21 April, again in anticipation of the Pre-Trial Chamber, which subsequently issued a favourable ruling on 24 April. In our view, this a significant step forward in the execution of the arrest orders. All this sufficiently demonstrates the Prosecutor's determination to make progress as quickly as possible on the situation that our Council has referred to her, as well as the centrality of the struggle for justice and the fight against impunity in her efforts.

The political situation in Libya remains complex and the security situation remains fragile and unstable. In order to overcome the Libyan crisis, we must take into consideration and implement the relevant Security Council resolutions on Libya, which are based on the desire to find a peaceful, political solution to the Libyan conflict. That is why Senegal welcomes the efforts of the various interlocutors, such as the Special Envoy of the Secretary-General and Head of the United Nations Support Mission in Libya, neighbouring countries, the High-level Committee of the African Union on Libya, the European Union and the League of Arab States. All these efforts are essential to facilitating dialogue among the parties in order to achieve lasting peace in Libya and to put an end to human rights violations, including the inhuman and abusive treatment of migrants in detention centres.

Unfortunately, the frequency and the number of such violations continues to grow, with ongoing serious allegations of torture, slavery, trafficking in persons and sexual violence. This requires the ongoing and effective support of the Council and the broad and committed support of the international community to establish a stable security environment that guarantees freedom, justice and respect for human rights.

In our view, strengthened and continuous cooperation between the Security Council and the ICC remains paramount if we want to win the fight against impunity and for peace and security to triumph because, as Benjamin Ferencz, the former Prosecutor at the Nuremberg Tribunal, said,

> "There can be no peace without justice, no justice without law and no meaningful law without a Court to decide what is just and lawful under any given circumstance."

It is in this spirit that my country, Senegal, addresses Ms. Bensouda to state that we strongly

support her action. This is also why we call for the necessary resources to be provided to her Office, and beyond — to the ICC as a whole.

Mr. Vitrenko (Ukraine): I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her important update on her Office's activity. We appreciate the way she is carrying out her mandate and fully support her in it.

I would like to start with the situation in Libya, which, as we just heard, is still extremely difficult, with an ongoing political deadlock and an escalation of tensions. We are dismayed that many warring parties continue to commit serious crimes and grave violations of human rights, including executions, killings, abductions, torture, unlawful detentions, desecration of corpses, and so on. The practice of imprisonment without trial for an indefinite period of time, which is outside the legal fold, continues to be widespread. A telling example of this type of unlawful practice is the detention of four Ukrainians who have been kept in custody since August 2011 without any official arrest warrant having been issued. My delegation strongly believes that such an unacceptable situation should not be allowed to continue. The Libyan law on justice in the transitional period requires that the detainees, who are civilians, be transferred to civilian authorities.

We believe that the difficult security situation cannot be an excuse either for non-cooperation with the ICC or for letting serious crimes be committed during hostilities. Six years ago, the Security Council adopted resolution 1970 (2011), not for the sake of holding regular briefings or repeating the mantra that perpetrators of crimes against humanity in Libya have to be held accountable. Rather, the situation was referred to the ICC Prosecutor for a concrete purpose — to deliver justice. In this regard, we would like to echo Ms. Bensouda's point that effective investigations and prosecutions can be achieved only with cooperation from States and other actors. It is worth recalling that in resolution 1970 (2011), the Council urged all States, including non-parties to the Rome Statute, as well as concerned regional and other international organizations, to cooperate fully with the Court and the Prosecutor. Yet it is not just non-cooperation and delays in responses to the ICC requests for assistance that impede investigations in existing and new cases, but also the climate of insecurity and impunity that continues to stand in the way of investigative activities in the country.

Under these circumstances, we fully support the remote monitoring and investigations of crimes committed in different parts of Libya that the Office of the Prosecutor is carrying out through the gathering of information from reliable sources. Still, much more could be done to ensure accountability if ICC personnel were able to work directly in Libya. We welcome active cooperation between Ms. Bensouda's Office and the Libyan Prosecutor-General's Office on this and other issues.

We are also grateful to the Prosecutor for providing additional information about the cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. In this regard, we urge the Libyan authorities to facilitate the transfer of Mr. Al-Qadhafi to the Court without further delay. Justice needs to be done not only for crimes committed by the previous regime; impunity must also be ended for crimes committed by groups aligned with the Islamic State in Iraq and the Levant and by other extremists and militias.

In this context, the international community must continue to support the Libyan Government of National Accord in its efforts to restore law and order in the country. A comprehensive and lasting resolution of the Libyan crisis will come only through a broad-based political settlement, with the full commitment of the Presidency Council of the Government of National Accord, the House of Representatives, the High Council of State and other Libyan actors.

In conclusion, I would like to stress that the ICC is not just a venue for delivering justice for the victims. It is also an effective tool for preventing future crimes. We therefore join the call on all States to provide full cooperation with the Court without exceptions or preconditions, which would greatly contribute to strengthening international peace and security.

Mr. Akahori (Japan): I would like to begin by congratulating Uruguay on assuming the presidency of the Security Council for the second time in its two-year mandate, which it shares with Japan. We look forward to working closely with you, Mr. President, as a member of the same class. I would also like to express my appreciation to Prosecutor Bensouda for her briefing and report.

Japan is committed to the fight against impunity and to supporting the International Criminal Court (ICC), including the Office of the Prosecutor. Last month, the President of the ICC, Judge Silvia Fernández de

Gurmendi, visited Tokyo and met with Prime Minister Abe and other high-level officials of the Government of Japan. In their discussions, they talked about the importance of promoting the universality of the Rome Statute, especially in the Asia-Pacific region. Prime Minister Abe reiterated Japan's support for the ICC and expressed his hope that the ICC will play a greater role, thereby contributing to the establishment of the rule of law in the international community.

Japan welcomes the fact that The Gambia and South Africa have decided to rescind their withdrawals from the ICC. The ICC is an important organ in the fight against impunity, and Japan strongly believes that as many countries as possible should join, including members of the Council.

Let me now turn to Libya. I would like to emphasize that Japan continues to support the Presidency Council and the Government of National Accord as the legitimate authorities under the Libyan Political Agreement. The Agreement is the key instrument to move the process forward, and its framework should be upheld. Recent dialogues between the key interlocutors in Libya, such as the one between Prime Minister Al-Sarraj and General Haftar, in Abu Dhabi, and the one between the Presidents of the House of Representatives and the High Council of State, in Rome, are important developments.

The ICC does not have its own enforcement authorities. Therefore, its success depends heavily on the cooperation of States. Without their cooperation, the ICC cannot function effectively and justice cannot be served. Against this background, we welcome the fact that the Office of the Prosecutor continues to enjoy good relations with the Libyan Prosecutor-General. We strongly hope this relationship will yield positive results in the near future. We commend the Office of the Prosecutor for employing innovative methods to make progress despite the difficult security situation.

Japan notes the recent unsealing of the arrest warrant for Al-Tuhamy Mohamed Khaled by the Pre-Trial Chamber. As a State party to the Rome Statute, Japan stands ready to fulfil its obligations under the Statute and hopes that this unsealing will facilitate enforcement by making all States parties aware of the warrant. Regarding Saif Al-Islam Al-Qadhafi, it is regrettable that he is not yet in the ICC's custody, despite various efforts by the Office of the Prosecutor. We encourage the Government of National Accord in Libya and the international community to cooperate fully with the ICC, pursuant to resolutions 1970 (2011) and 2259 (2015).

The escalation of violence and ongoing instability, especially in the southern region, are troubling and are making it more difficult for the Prosecutor's investigation to progress. Japan is also concerned by the deterioration of the human rights and humanitarian situation in Libya. Human trafficking through and from Libya, including the smuggling of migrants, is particularly alarming. As Mr. Kobler mentioned in his briefing to the Security Council on 19 April (see S/PV.7927), human security is at stake, and it is important that the Council remain fully engaged on this issue. Adequate measures should be taken to hold perpetrators accountable. There should be no impunity on this matter. We are closely following the ongoing work of the Office of the Prosecutor on a possible investigation and look forward to further updates.

Let me conclude by reiterating Japan's unflagging support of the activities of the ICC. My delegation looks forward to tangible progress on today's agenda.

Ms. Guadey (Ethiopia): Let me start by congratulating you, Mr. President, on assuming the presidency of the Security Council for this month. I also wish to express the readiness of my delegation to fully support you in your endeavours.

Let me also take this opportunity to congratulate the United States of America for its leadership last month.

We thank Ms. Bensouda for her support, pursuant to Security Council 1970 (2011). We are deeply concerned by the ongoing human rights violations committed by all parties to the conflict in Libya. Abduction, the torture and killing of civilians, as well as arbitrary detention, continued unabated. It is also deeply troubling that ordinary crime is widespread, primarily due to lawlessness and the weakness of judicial institutions.

We recall the briefing delivered by the Special Representative of the Secretary-General for Libya, Mr. Martin Kobler, just three weeks ago (see S/PV.7927), on the current dangerous and uncertain situation in the country, which forces the Libyan people to live in daily fear for their security and safety. It is particularly the vulnerable — including women and children, refugees and migrants — who suffer tremendously due to the ongoing crisis. All actors who continue to commit such violations must be held accountable. Da'esh in Libya, in particular, is responsible for abominable crimes, which

include summary execution of innocent civilians, and it must be condemned in the strongest possible terms.

It is imperative to fight the widespread sense of impunity in Libya through appropriate mechanisms, and Ethiopia firmly upholds the principled position of the African Union on combating impunity while safeguarding the peace, security, stability, sovereignty and territorial integrity of Member States. In that regard, building and enhancing the capacity of Libyan State institutions, particularly judiciary and law enforcement organs, to ensure the rule of law must be a priority. The international community should support all efforts that are anchored in the long-term strategy of building State institutions and ensuring justice and reconciliation, in order to foster an environment of peace, security and stability.

It is our conviction that the continued and widespread violation of human rights cannot be sustainably addressed until all Libyan political actors find a lasting political solution for the protracted crisis. While we note the latest reports of meetings between the major Libyan political actors as a positive step, we urge all Libyan actors to work constructively towards concrete progress to address obstacles to the full implementation of the Libyan political agreement. It is also important that all Libyans work coherently and in a united manner as the African high-level committee continues to call for a nationwide reconciliation process that could complement and reinforce the political process.

In conclusion, the primary responsibility of ensuring lasting peace and security in the country remains in the hands of the Libyans themselves, and we hope that all Libyan actors will seriously engage with a sense of national vision, determination and in a constructive spirit to end the crisis. We also hope that the international community — including countries of the region, the African Union, the United Nations and other relevant partners — will continue to provide coordinated support for those efforts.

Mr. Sadykov (Kazakhstan): First of all, I would like to congratulate you, Mr. President, on your assumption of the presidency and to assure you of our full support and cooperation. I would also like to convey our appreciation to the United States delegation for their leadership during last month's presidency.

I would like to thank Ms. Bensouda, Prosecutor of the International Criminal Court, for her briefing. We have taken note of the Office of Prosecutor's report and update on the activities regarding the situation in Libya.

The current security and political situation in Libya continues to create a breeding ground for the growing impunity of terrorist groups and armed militias. Widespread violations and abuses continue to be committed against civilians and vulnerable populations. We take note with concern of the information on increasing numbers of migrants, smuggled or trafficked through Libya to Europe, who have been inhumanly detained, extorted and sexually assaulted — a serious violation of human rights and international humanitarian law. We urge all parties to refrain from unlawfully targeting civilians and migrants, and call for those responsible for serious crimes to be held accountable.

Kazakhstan believes that an effective and credible Government is crucial to bolstering Libya's commitment and capability to restore and promote the rule of law, to address impunity, to protect basic human rights and to provide justice for past violations. To that end, the international community's support of Libya remains vital to restoring stability and security throughout the country. Such stability and security requires the unification and rebuilding of all national institutions, including political authorities, security and defence forces. In that regard, we welcome the recent meeting of Prime Minister Serraj with General Haftar in Abu Dhabi, and consider that meeting as an important step to advancing the political process in Libya.

Finally, we commend the remediation efforts of regional organizations — such as the African Union, the League of Arab States and the European Union, as well as neighbouring countries — to support the Libyan political process.

Mr. Zhang Dianbin (China) (*spoke in Chinese*): China would like to congratulate Uruguay on taking up the presidency of the Security Council. We will continue to support its work and would like to thank the United States for its leadership during the month of April. We also thank Ms. Bensouda for her briefing.

China is closely following the development of the situation in Libya and supports the good offices of the United Nations in Libya's political transition. We firmly support the Libyan people's efforts to maintain national unity and unification. We hope that all parties in Libya prioritize safeguarding its national interests, remain committed to a Libyan-led and -owned process

and begin an inclusive political dialogue as soon as possible. Relevant Council resolutions and the Libyan Political Agreement should serve as a basis of all efforts, and disputes should be settled by negotiations and consultations to find a solution acceptable to all, promote national reconciliation, restore State governance and realize peace, stability and development as soon as possible. That is the prerequisite and basis for judicial justice in Libya. The international community should continue to provide support and assistance to the country.

China's position on the issue of the International Criminal Court remains unchanged.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): First and foremost, we would like to join the expressions of heartfelt congratulations to the United States on presiding over last month's deliberations and to Uruguay for assuming this month's presidency.

We read the thirteenth report of the International Criminal Court (ICC) Prosecutor on the investigation of the situation in Libya. We see from the content that progress n the main tracks of the Libyan dossier remains weak. It would be hard to consider the unsealing of an arrest warrant of Al-Tuhamy Mohamed Khaled, handed down four years ago, as significant progress. Indeed, it is probably further evidence that the ICC continues to stick to a lopsided approach, focusing on only one side of the conflict in 2011. Actual steps to investigate the action of other sides remain absent over the past six years. Not a single investigation has been opened on the alleged crimes of the rebels. The Prosecutor continues to demonstratively and without clear explanation shy away from the consideration of the matter of civilian casualties as a result of NATO strikes.

Regarding the situation in Libya after 2011, it is surprising that the document lacks even the slightest hint of an investigation of crimes committed by the Islamic State in Iraq and the Levant (ISIL), while previous reports affirmed that such an analysis was being conducted. Alongside ISIL in Libya, there are other terrorist organizations listed by the Security Council. That raises the question as to whether, from the point of view of the Prosecutor, the atrocities committed by those terrorists are not worth investigating.

For some reason, instead of analysing terrorist actions from the standpoint of the ICC's mandate, the authors of the report enter the political arena in considering the topic of anti-ISIL action in Libya. We should recall that Special Representative Kobler and the members of the Security Council have frequently acknowledged the success of the counter-terrorist operations in both Sirte and Benghazi. In the report, however, it is presented as if the suppression of ISIL's base had occurred only in Sirte, and even there with only a partial description that is silent about the aerial support from the outside forces. In other words, the report gives the impression that there were no terrorists in Benghazi. It is hard to call that a quality analysis.

We would like to caution against further attempts to present the ICC's Libyan dossier as a burden imposed on it by the Security Council that presupposes financial contributions from the United Nations. It is not an accident that the note of 15 November 2016 from the Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya regarding the financing of investigations in Libya makes a clear distinction between the States parties to the Rome Statute and other countries, which are invited to help on a voluntary basis. The report's conclusions omit such important aspects.

On a separate issue, we would like to comment on the liberal interpretation in paragraph 28 of the report of the provision in resolution 2323 (2016) that stresses the need for protection in Libya associated with United Nations personnel. The report could lead one to conclude that this extends to ICC investigators as well, which is a stretch. Besides which, the ICC does not have the authority to interpret Security Council resolutions on this or any other issues.

To sum up, we would like to note that we have voiced our opinions regarding the referral of the situation in Libya to the ICC at previous briefings by the Prosecutor, and they have not changed. With regard to the political situation in Libya, the only way to emerge from the crisis and unify the country and its institutions continues to be through the broadest possible inter-Libyan dialogue, under United Nations auspices, with coordinated international assistance and the active participation of the regional stakeholders.

Mr. Townley (United States of America): I would like to thank the Prosecutor of the International Criminal Court for her briefing on her Office's efforts to pursue accountability for atrocity crimes committed in Libya.

Stability in Libya through unity and leadership is critical for many reasons, including to ensuring that

human rights violations and abuses can be meaningfully addressed. That includes addressing reports of arbitrary detention, extrajudicial killings and the exploitation of migrants. We must work diligently to end impunity for such violations and abuses in Libya, since that in turn can reinforce the rule of law and foster stability.

Political reconciliation among all Libyan parties remains key to achieving peace and realizing the goal of a Libya that is stable, democratic and free from the violence that continues to cause great human suffering throughout the country. We are encouraged by the recent meetings of Libyan leaders in Abu Dhabi and Rome, as well as by the international community's ongoing support for the Libyan Political Agreement framework, and we urge Libyans on all sides to work actively to implement it. As Ambassador Haley told the Council only a few weeks ago (see S/PV.7927), we need all the Libyan parties and the country's leadership to work together to rebuild the country, engage in dialogue and find a compromise. The road ahead will be challenging, but the ongoing discord and conflict will have far graver consequences for the Libyan people.

Moreover, violent extremism flourishes where instability is prevalent. We remain deeply concerned about the continuing terrorist threat in Libya, which raises the potential risk of further atrocities. Although we are encouraged by the recent successes in driving the Islamic State in Iraq and the Sham out of Sirte and Benghazi, we must ensure that terrorist groups do not have the opportunity to establish themselves and regain power in the absence of strong Libyan institutions and leadership. The conflict in and around Tamanhint airfield reminds us that the risk of division and escalating violence in Libya requires our urgent attention. At the same time, we must remain mindful of the importance of complying with international law during counter-terrorism operations.

The United States remains dedicated to pursuing accountability for violations and abuses committed during the 2011 revolution. In that regard, we appreciate the continuing efforts to bring Saif Al-Islam Al-Qadhafi, accused of helping to orchestrate the murder and persecution of hundreds of civilians, to justice. We urge all the relevant Libyan actors to facilitate the transfer of Al-Qadhafi to The Hague so that he can stand trial for his alleged crimes against humanity. We welcome the reports of Libya's continued cooperation with the Prosecutor, consistent with the Council's calls for such cooperation and Libya's obligations under resolution 1970 (2011). We have also taken note of the Court's recent decision to lift the seal on an arrest warrant for Mr. Al-Tuhamy Mohamed Khaled, who is accused of being responsible for war crimes and crimes against humanity in Libya. We stress the importance of working to ensure accountability for such atrocity crimes and thereby sending a vital deterrent signal in the midst of ongoing violence that those who commit such crimes in Libya will ultimately face justice.

The United States remains committed to supporting the Libyan people as they struggle for peace, prosperity and democratic governance. Accountability for crimes in Libya will be key to enduring success in that endeavour. We look forward to continued collaboration with the Council in order to realize a better future for all Libyans.

Ms. Mulvein (United Kingdom): I would like to thank the Prosecutor of the International Criminal Court (ICC) for her report and briefing today. The United Kingdom would like to reiterate its support for the work of the Prosecutor and for the role that the ICC plays in bringing those responsible for serious crimes of international concern to account.

Libya is in urgent need of progress towards full political reconciliation, now more than ever. The scale of the crisis facing the people of Libya is grave. It is a crisis in which the fighting continues year after year, and in which violations of international humanitarian law and human rights violations and abuses continue unabated. The people of Libya deserve a better future. Establishing effective governance is key. Libya's legitimate political institutions must work together to break the political deadlock that is prolonging instability and the suffering of the Libyan people. Libya's political and social groups must seize the momentum offered by the welcome meetings between Prime Minister Serraj and Field Marshal Haftar earlier this week to lay out a path towards Libyan reconciliation and unity. Security, stability and prosperity can be achieved only when the country's leaders choose to get together and work out a plan for the common benefit of the Libyan people.

The United Kingdom welcomes the Prosecutor's ongoing efforts to investigate alleged crimes, despite the practical difficulties of conducting investigations inside Libya. We remain deeply concerned about the continued violence between armed groups across the country, and particularly about the reports of human rights abuses and violations by combatants

in Benghazi and elsewhere, including attacks on innocent civilians and medical facilities. There is no justification for attacking medical facilities protected under international humanitarian law. We note that the Prosecutor is giving consideration to opening an investigation into alleged criminal acts against migrants in Libya. Such alleged crimes provide further justification for tackling migration upstream so that the international community can help to create more opportunities in migrants' home countries.

The United Kingdom is grateful for the Prosecutor's update on the cases of Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. We support her call to the Libyan authorities to do everything possible to ensure the transfer of Al-Qadhafi to the ICC and to consult the Court on any problems that might impede his transfer to The Hague. We look forward to the outcome of the Court's consideration of the report of the United Nations Support Mission in Libya on the domestic proceedings against Mr. Al-Senussi.

The United Kingdom commends the continued engagement of the Libyan Prosecutor-General and the Libyan representatives to the Court. We call on other States and relevant international organizations to assist the Libyan authorities in their efforts to build the rule of law in Libya. We thank the Prosecutor for the update on the allegations of torture committed against Saadi Al-Qadhafi in Al-Hadba prison, and we welcome the fact that one of the accused who had been returned to his position at the prison has now been removed.

We also thank the Prosecutor for her briefing on the case against Al-Tuhamy Mohamed Khaled, who is wanted for war crimes and crimes against humanity committed in Libya in 2011. We fully support the Court's call for cooperation from members of the Council, Libya and all States to provide information to facilitate the swift arrest of Mr. Al-Tuhamy and ensure his surrender to the ICC. It is crucial that he and other individuals responsible for war crimes in Libya not become fugitives from justice.

In conclusion, the United Kingdom understands the financial and resource constraints faced by the Prosecutor's Office and the need to ensure adequate funding for the Court's Libya investigations. We are committed to working with others to ensure that the Court has the resources necessary for its work, while ensuring that the ICC budget is as streamlined as possible.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Uruguay.

We thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, and we commend her for presenting her thirteenth report on the situation in Libya pursuant to resolution 1970 (2011). We reiterate our full support for the work of the ICC and for Ms. Bensouda's role in prosecuting those guilty of serious crimes under article 5 of the Rome Statute.

We urge Members of the United Nations and Security Council members that have not yet become parties to the Rome Statute to do so, with a view to making progress in combating impunity and protecting all people on the planet from such heinous crimes, which represent a serious threat to peace and security. It is important, in that context, to enhance the role played by the ICC as a mechanism to ensure justice when national courts cannot do so. Accountability for the most serious crimes, wherever and by whomsoever committed, must continue to be a priority goal in the work of the Security Council.

With regard to Libya, unfortunately the latest report does not give very encouraging signs. The authority of the Presidency Council of the Government of National Accord continues to be challenged at the national level, and the blockade imposed by the Tobruk House of Representatives has not allowed for the provisions of the Libyan Political Agreement to be fully implemented. The multiple challenges facing Libya six years after the civil war require swift and efficient responses from its new authorities, which face the threat of Islamist terrorism, a migrant crisis affecting hundreds of thousands of people, a humanitarian emergency and a severe economic crisis, among other serious problems.

In that context, it is necessary to work towards reunification and reconciliation in the country so as to prevent major bloodshed among its people and put an end to the institutional crisis and to the military conflict that have afflicted the country since 2011. We must also make progress towards a genuine democratic transition and lasting peace and stability as a basis for investigating more effectively the atrocities that were committed in that country, ensuring that the current situation of generalized violence and impunity does not worsen.

We are confident that the new Libyan authorities, to the extent that they can consolidate their power and

gradually extend their authority to the entire territory, will fulfil their commitments to ensuring justice for the victims of these crimes and cooperate with the Prosecutor of the ICC in identifying those responsible and facilitating their handover to the Court for trial.

We urge the Government of National Accord to apply the Court's provisions to Saif Al-Islam Al-Qadhafi and ensure a trial with full guarantees to Abdullah Al-Senussi and other individuals alleged to have committed war crimes and crimes against humanity before and during the 2011 civil war.

We are concerned about the fact that the Prosecutor, despite having on previous occasions cited investigations in Libya as one of her priorities for 2017, is still facing budgetary problems in connection therewith.

In particular, and as Ms. Bensouda noted when she addressed the Council in November 2016 (see S/PV.7806) and in her most recent report, it is very important that investigations be launched on attacks against migrants and refugees in Libya, including acts of sexual violence and crimes against minors. We therefore support her request for the resources necessary for her to discharge her mandate, and we call on all States parties able to do so to provide the necessary funding.

In conclusion, Uruguay reiterates its recognition of the work of the Prosecutor in addressing the crimes committed in Libya, which will no doubt help to enhance the rule of law and to establish a more just and inclusive Libya that fully respects all its citizens' rights, which for many years now have been violated.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): At the outset, I am pleased to congratulate you, Sir, on your assumption of the presidency of the Council for this month. I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her important briefing.

Allow me to take this opportunity to stress once again Libya's pursuit of complementarity between national courts and the ICC to ensure justice and fight impunity. Although Libya has not acceded to the Rome Statute, it continues to closely cooperate with the ICC and with the Prosecutor to achieve those goals.

We are well aware of the delay in the prosecution of suspects. That was due, unfortunately, to the security situation in our country. Despite the conditions under which the Libyan courts and the Attorney-General have been working, we stress their ability to fulfil their commitments and guarantee fair and just prosecutions.

The Council is undoubtedly well aware that the process of achieving justice cannot be limited to certain cases or specific suspects but should include everyone, regardless of the identity of the perpetrator or of the victim. That cannot be achieved in the absence of security, and security cannot be achieved in the absence of an army and a police force in a situation where there are numerous militias and weapons are plentiful.

To ensure justice for all, we stress the need for the international community to support the Government of National Accord and law-enforcement institutions, that is, the army and the police, and extend State authority throughout the territory. That is the sole guarantee for fighting impunity, achieving justice for all and protecting the independence of the judiciary, so as to enable it to shoulder its responsibilities in a transparent and equitable manner.

We also stress that the proceedings under way in our national courts have given rise to a sense of justice, which is the cornerstone of our national reconciliation process and has had a positive impact on our stability and security. However, exercising our national jurisdiction does not necessarily mean that we will not cooperate with the ICC. That is something that previous Libyan Governments and the current Government of National Accord have done through cooperation between the Attorney-General and the Prosecutor of the ICC in implementation of the 2013 memorandum of understanding on the sharing of responsibilities with the Libyan authorities.

It is well-known that human trafficking in itself is a crime. Combating and ending it require close cooperation between countries. It is also known that this type of crime is perpetrated through transnational criminal networks. We noticed in the report of the Prosecutor and in reports of the United Nations Support Mission in Libya and of other international organizations that light is being shed on alleged crimes that are a direct result of human trafficking, including rape, arbitrary detention, torture and other crimes against humanity. Indeed, we know full well that the humanitarian situation of illegal immigrants in Libya is

tragic. As we have said before, this is a direct result of the insecurity and the spread of militias and weapons.

However, we would have liked to see in the report a mention of genuine preventive procedural efforts to fight these criminal networks, whether in countries of origin or destination. It is known that my country is a transit country suffering from insecurity and chaos, which affects our citizens and results in their displacement. Had it not been for the presence of criminal networks in countries of origin and destination, transit countries would not have to experience such crimes and violations.

According to some media outlets, the Prosecutor-General of Catania in Sicily, Italy, accused some European non-governmental organizations that were saving migrants of being complicit with human traffickers. That was stressed by the Office of the United Nations High Commissioner for Human Rights last Sunday. We hope to see mention by the Prosecutor in future reports of Court efforts to fight human trafficking networks in both the north and the south of the Mediterranean equally.

Moreover, given the sensitivity of the subject in Libya, we hope to see further cooperation and collaboration between the ICC and Libyan authorities on illegal immigrants. In that regard, we have noticed that the latest reports of the Prosecutor fail to mention certain topics that used to be a priority in previous reports, such as internally displaced persons and migrants. We believe it would be useful to brief Council members on the latest updates in that regard.

In conclusion, we reiterate our hope for further support from the Council to address the security and administrative situation and to provide a conducive environment for the restoration of the rule of law as soon as possible. We look forward to further positive collaboration and cooperation with the ICC to ensure criminal justice, in line with Libyan sovereignty and in full respect of our local legislation, including laws on transitional justice and national reconciliation.

The meeting rose at 4.45pm.